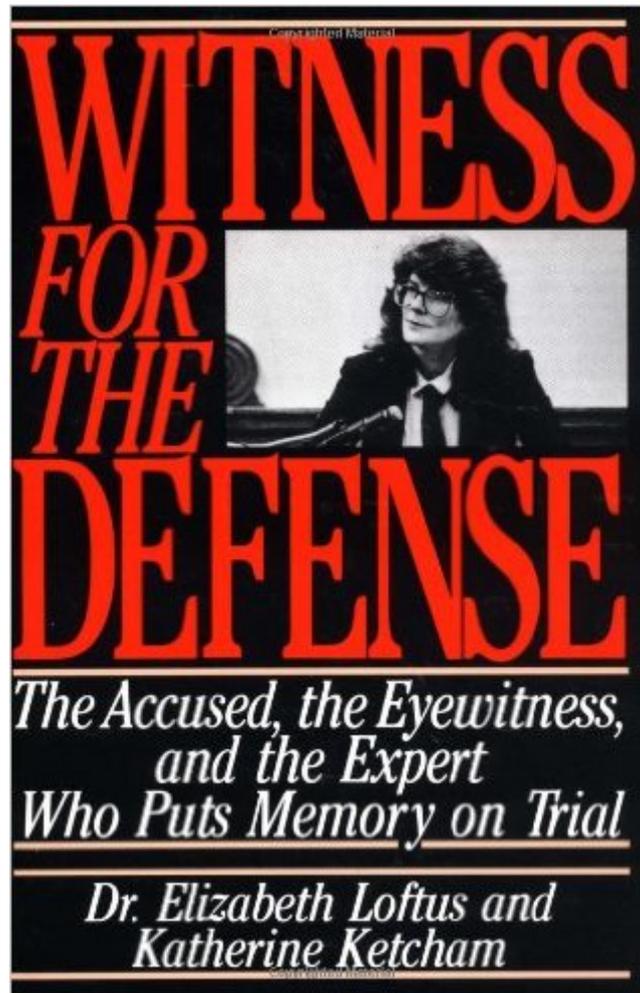


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# Witness For The Defense: The Accused, The Eyewitness And The Expert Who Puts Memory On Trial



## Synopsis

"The study of memory had become my specialty, my passion. In the next few years I wrote dozens of papers about how memory works and how it fails, but unlike most researchers studying memory, my work kept reaching out into the real world. To what extent, I wondered, could a person's memory be shaped by suggestion? When people witness a serious automobile accident, how accurate is their recollection of the facts? If a witness is questioned by a police officer, will the manner of questioning alter the representation of the memory? Can memories be supplemented with additional, false information?"The "passion" Loftus describes in the lines above led her to a teaching career at the University of Washington and, perhaps more importantly, into hundreds of courtrooms as an expert witness on the fallibility of eyewitness accounts. As she has explained in numerous trials, and as she convincingly argues in this absorbing book, eyewitness accounts can be and often are so distorted that they no longer resemble the truth.

## Book Information

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## Customer Reviews

In this book, Loftus recounts some fascinating true crime cases in which she was called to give testimony regarding the unreliability of eyewitness identifications. Loftus is a research psychologist who participated in a lot of studies demonstrating how easily people's memories can be influenced. She also is known for the work she has done demonstrating how memories can be implanted wholesale in adults or children, as happened in the McMartin pre-school case. Loftus does give some illustrations of how police can contaminate witness accounts, but I wish she had gone into even more detail about the studies she has conducted showing how this can happen, and about the

advice she gives to police officers on how to avoid such undue influence. Perhaps though more detail on this score would have made the book too long. There is a bibliography provided to fill in some of these gaps. Here the author concentrates more on the circumstances of the crimes themselves. As it turned out, she didn't always work on the side of the "good guys." She tells about testifying for Ted Bundy's defense. Thinking back, she remembers disliking how Bundy smiled at the prosecutor, something an innocent man doesn't ordinarily do. A few scattered comments such as that might make the reader wonder if Loftus' memory might itself be showing the kind of after-the-fact malleability that she saw it as her role to remind juries to take into consideration. Did she really suspect Bundy at the time? In several of the cases Loftus recounts, there have been interesting reversals since this 1991 book was published. Some of the other individuals for whose defense she testified, also later appeared to be guilty.

Many people think that we store our past visual experiences as intact images in the brain. Research, however, shows that this concept is not accurate. The visual recollection of an event has to be recreated by assembling bits and pieces of memory into a whole picture. Our recollection of events is thus often distorted. A variety of psychological experiments have been conducted that demonstrate this phenomenon. Subjects shown a picture of an office later, when asked to recall the photograph, put items such as bookcases or a calendar in the scene that were not actually there. Other aspects of the office are forgotten. Elizabeth Loftus, an internationally known expert on memory, applies research and her experience to the topic of eye witness testimony in the legal setting. The book attempts to be both entertaining in its often informal presentation of case histories, and modestly academic in presenting psychological theory and research. The case histories for the most part describe trials in which eyewitness testimony resulted in the conviction of an innocent person. Loftus shows how inaccurate recollections combined with inappropriate police photo and lineup presentations can cause a witness to create false recollections. As a side note the book also shows how fallible juries can be. All in all this book provides further proof that eyewitness testimony is not superior to circumstantial evidence. My only criticism of this book should probably be directed toward the co-author. This book is oriented toward the general public, and the case descriptions are often fluffed to create the "true crime" approach used by writers in that genre.

Elizabeth F. Loftus is an American psychologist and expert on human memory, and is currently a professor at UC Irvine. She has conducted extensive research on the misinformation effect and the nature of false memories (see her books, *Memory and The Myth of Repressed Memory: False*

Memories and Allegations of Sexual Abuse). Coauthor Katherine Ketcham stated in the "Author's Note" of this 1991 book, "[This] is a collection of true stories based on Dr. Elizabeth Loftus's personal experiences as an expert witness. It is our goal to use these real-life courtroom dramas as a vehicle for conveying information about psychology in general and memory in particular... Although we have struggled to correct obvious biases and base our accounts on the known and undisputed facts, it is unavoidable that these retrospective interpretations contain memory flaws. We know all too well from the psychological research and the experience of writing this book that memory is not always the same thing as the truth." (Pg. xiii-xiv) Loftus notes, "In my studies, a subject's reported confidence for suggested or imagined memories is often as great as that reported for memories based on actual perceptions... subtle differences do exist between perceived and suggested memories, but ... most people are unable to detect these differences. In other words, when people remember something, they tend to believe it's the truth.

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